

July 24, 2024

City of Albuquerque Planning Department  
Plaza del Sol, 600 2<sup>nd</sup> St NW  
Albuquerque, NM 87103

**RE: Chick-fil-A Albuquerque, NM (Gibson Blvd FSU) – DHO Waiver Justification Letter**

To whom it may concern,

This justification letter serves to request a waiver for landscape buffer requirements between the sidewalk and ROW along both University Blvd and Gibson Blvd for the proposed project located at 1600 Gibson Blvd SE. Currently, the DPM requires a 4-6 buffer between the sidewalk and ROW per Table 7.2.29. The existing sidewalks on both University Blvd and Gibson Blvd do not have a landscape buffer. This waiver is requesting that no changes be required to sidewalks and landscape buffers along either University or Gibson.

**6-6(P)(3)(a)**

1. Any of the following criteria applies.
  - a. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.
  - b. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
  - c. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.
  - d. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

**Response:** There are pre-existing conditions and obstructions which cannot be easily or economically relocated (utilities, landscaping, etc.). The site does not meet criteria b, c, or d.

2. The Waiver will not be materially contrary to the public safety, health, or welfare.

**Response:** This waiver would have no effect on public safety, health, or welfare.
3. The Waiver does not cause significant material adverse impacts on surrounding properties.

**Response:** This waiver would cause no adverse impacts to surrounding properties.
4. The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

**Response:** The waiver will not hinder future planning, public ROW acquisition, or the financing and building of public infrastructure.

5. The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.  
**Response:** The waiver does not conflict significantly with any of the aforementioned criteria.
6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.  
**Response:** The waiver does not allow development within the 100-year Floodplain.
7. The Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.  
**Response:** The waiver does not undermine the intents and purpose of the IDO, applicable zone district, or any overlay zone.
8. The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located, unless a deviation to such standards is within the thresholds established by Subsection 14-16-6-4(P) (Deviations) and is granted by the DHO as part of this approval.  
**Response:** This waiver does not allow lots or developments that do not meet IDO standards.
9. The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).  
**Response:** This waiver is the minimum necessary to provide redress.
10. If the request is a for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.  
**Response:** This waiver does not pertain to sidewalk requirements.

If you should have any questions or require additional information, please do not hesitate to contact me at our Atlanta office at (678) 606-5277. Thank you.

Sincerely,



Andrew Wilson  
[awilson@bowman.com](mailto:awilson@bowman.com)  
678-606-5277

**Bowman**